

Application Number: 09/913,428

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Art Unit: 1754

June 1, 2004

Remarks

This response is submitted within the shortened statutory period of three months to respond to the Office action dated March 1, 2004. Therefore, no petition and fee for extension of time is filed with this response.

Please enter the following remarks into the prosecution history of the subject application without prejudice or disclaimer.

I. Claims

Hereinafter, the Claims that are pending prior to the entry of the amendments in this response are called "currently pending Claims". This response amends currently pending Claims 1, 2, 10, 14, 15 and 18. This response cancels currently pending Claims 16-17. Claims 6 and 7 were previously canceled. No new Claims are added with this response. Upon amendment, the above U.S. patent application will have 4 independent Claims (amended Claims 1, 10, 14 and 15) and a total of 15 Claims (amended Claims 1, 2, 10, 14, 15 and 18 and currently pending Claims 3-5, 8-9 and 11-13). The Applicants previously paid for up to 20 total claims and 4 independent Claims. Therefore, no fee for excess claims is due with this response.

II. Support for the new Claims

The support for the amended Claims 1, 2, 10, 14, 15 and 18 can be found in *inter alia* as follows:

Claim: 1: Original Claims 1, 6, 7, previously presented Claims 16-17.

Claim: 2: Original Claim 2.

Claim: 10: Original Claims 6, 7, 10, previously presented Claims 16-17.

Claim: 14: Original Claims 6, 7, 14, previously presented Claims 16-17.

Claim: 15: Original Claims 6-7 and previously presented Claims 15, 16, 17.

Claim: 18: Previously presented Claim 18.

III. Allowable Subject Matter

Currently pending Claims 17-18 were objected by the Examiner to as being dependent upon a rejected base Claim. The Examiner stated that currently pending Claims 17-18 would be allowable if rewritten in independent form, including all of the limitations of the base Claim and any intervening Claims.

Applicants submit an amended Claim 1 reciting all of the limitations of the currently pending base Claim 1 and currently pending intervening Claim 16 and currently pending Claim 17. It is believed that amended independent Claim 1 is now allowable. Applicants further submit an amended Claim 18 rewritten to be dependent from allowable amended independent Claim 1. It is strongly believed that amended Claims 1 and 18 are allowable. Further, currently pending Claims 2-5 and 8-9 are directly or indirectly dependent from allowable Claim 1 and are therefore believed to be allowable.

The Examiner rejected currently pending Claim 3 under 35 USC 112, second paragraph as being indefinite as to how the manganese compound may make up 0% of the preparations and because the Claim recites the limitation "said" in "said preparations". Currently pending Claim 2 was rewritten according to page 8, lines 18-23 and original Claim 2. The expression "additives" was replaced by the expression "preparations" in amended Claim 2. There is now a clear antecedent basis for "said" in "said preparations" in currently present Claim 3. Claim 3 also may correctly recite: "the amount of said preparations is 0 to 20 wt% of the manganese compound" since it clearly refers to "preparations" as recited in Claim 2. It is strongly believed that the rejections of currently pending Claim 3 are now moot in view of the amended Claim 2.

Applicants further submit amended independent Claims 10, 14 and 15. The amended independent method Claims 10 and 15 and product Claim 14 recite the same Claim limitations as amended allowable Claim 1. It is therefore strongly believed that the amended independent Claims 10, 14 and 15 are allowable.

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Currently pending Claims 11, 12, 13 depend directly or indirectly of amended independent Claim 10 and are therefore believed to be allowable.

The application is now in condition for allowance. Allowance of the application at an early date is respectfully requested.

The Applicants reserve the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to Fax. No. 703-872-9306 and addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,

June 1, 2004

(Date of Deposit)

Ross A. Schmitt

(Name of Person Signing)

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June 1, 2004

(Date)


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